

House File 564 - Introduced

HOUSE FILE _____
BY SCHULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of exclusive grounds for a
2 dissolution of marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2237HH 83
5 pf/rj/5

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1 1 Section 1. Section 598.3, Code 2009, is amended to read as
1 2 follows:
1 3 598.3 KIND OF ACTION == JOINDER.
1 4 An action for dissolution of marriage shall be by equitable
1 5 proceedings, and no cause of action, save for alimony, shall
1 6 be joined therewith with the action. Such actions shall not
~~1 7 be subject to counterclaim or cross petition by the~~
~~1 8 respondent.~~ After the appearance of the respondent, no a
1 9 dismissal of the cause of action shall not be allowed unless
1 10 both the petitioner and the respondent sign the dismissal.
1 11 Sec. 2. NEW SECTION. 598.4A DISSOLUTION OF MARRIAGE ==
1 12 EXCLUSIVE GROUNDS.
1 13 A party may petition for dissolution of marriage only upon
1 14 proof of any of the following:
1 15 1. The other party has committed adultery.
1 16 2. The other party has committed a felony and has been
1 17 sentenced to imprisonment.
1 18 3. The other party has willfully abandoned the matrimonial
1 19 domicile for a period of at least one year and refuses to
1 20 return.
1 21 4. The other party has physically or sexually abused the
1 22 other party or a child of the parties.
1 23 5. The parties have been living separate and apart
1 24 continuously without reconciliation for a period of two years.
1 25 6. The other party is a chronic substance abuser.
1 26 Sec. 3. Section 598.5, subsection 1, paragraph g, Code
1 27 2009, is amended to read as follows:
1 28 g. ~~Allege that there has been a breakdown of the marriage~~
~~1 29 relationship to the extent that the legitimate objects of~~
~~1 30 matrimony have been destroyed and there remains no reasonable~~
~~1 31 likelihood that the marriage can be preserved one or more~~
~~1 32 grounds for the dissolution specified in section 598.4A.~~
1 33 Sec. 4. NEW SECTION. 598.5B COUNTERCLAIM.
1 34 The respondent may obtain a dissolution of marriage upon a
1 35 counterclaim based upon any of the grounds specified in
2 1 section 598.4A.
2 2 Sec. 5. Section 598.8, subsection 2, paragraph a,
2 3 subparagraph (1), Code 2009, is amended to read as follows:
2 4 (1) The parties have certified in writing that there has
~~2 5 been a breakdown of the marriage relationship to the extent~~
~~2 6 that the legitimate objects of matrimony have been destroyed~~
~~2 7 and there remains no reasonable likelihood that the marriage~~
~~2 8 can be preserved demonstrated proof of one or more grounds~~
~~2 9 alleged in the petition for dissolution.~~
2 10 Sec. 6. Section 598.8, subsection 2, paragraph b,
2 11 subparagraph (1), Code 2009, is amended to read as follows:
2 12 (1) The petitioner has certified in writing that there has
~~2 13 been a breakdown of the marriage relationship to the extent~~
~~2 14 that the legitimate objects of matrimony have been destroyed~~
~~2 15 and there remains no reasonable likelihood that the marriage~~
~~2 16 can be preserved demonstrated proof of one or more grounds~~
~~2 17 alleged in the petition for dissolution.~~
2 18 Sec. 7. Section 598.17, Code 2009, is amended to read as
2 19 follows:
2 20 598.17 DISSOLUTION OF MARRIAGE == EVIDENCE.

2 21 1. A decree dissolving the marriage may be entered when
2 22 the court is satisfied from the evidence presented ~~that there~~
~~2 23 has been a breakdown of the marriage relationship to the~~
~~2 24 extent that the legitimate objects of matrimony have been~~
~~2 25 destroyed and there remains no reasonable likelihood that the~~
~~2 26 marriage can be preserved of one or more grounds alleged in~~
2 27 the petition for dissolution. The decree shall state that the
2 28 dissolution is granted to the parties, and shall not state
2 29 that it is granted to only one party.

2 30 2. If at the time of trial petitioner fails to present
2 31 satisfactory evidence ~~that there has been a breakdown of the~~
~~2 32 marriage relationship to the extent that the legitimate~~
~~2 33 objects of matrimony have been destroyed and there remains no~~
~~2 34 reasonable likelihood that the marriage can be preserved of~~
2 35 one or more of the grounds alleged in the petition for

3 1 dissolution, the respondent may then proceed to present such
3 2 evidence as though the respondent had filed the original
3 3 petition.

3 4 3. A dissolution of marriage granted when one of the
3 5 spouses has mental illness shall not relieve the other spouse
3 6 of any obligation imposed by law as a result of the marriage
3 7 for the support of the spouse with mental illness. The court
3 8 may ~~make issue~~ an order for the support or may waive the
3 9 support obligation when satisfied from the evidence that it
3 10 would create an undue hardship on the obliged spouse or that
3 11 spouse's other dependents.

3 12 Sec. 8. NEW SECTION. 598.18A FAULT OF PARTIES
3 13 CONSIDERED.

3 14 If, upon trial of an action for dissolution of marriage,
3 15 one party is found to have committed an act or acts which
3 16 would support or justify a decree of dissolution of marriage
3 17 based upon one or more grounds alleged in the petition, such
3 18 dissolution may be decreed and the act or acts of the one
3 19 party shall be considered in any order for disposition of
3 20 property pursuant to section 598.21, any order for spousal
3 21 support pursuant to section 598.21A, any order for child
3 22 support and medical support pursuant to section 598.21B, any
3 23 award of custody pursuant to section 598.41, and in any
3 24 subsequent modification of such order.

3 25 EXPLANATION

3 26 This bill establishes bases for the dissolution of
3 27 marriage. Current law requires a party petitioning for
3 28 dissolution of marriage to allege that there has been a
3 29 breakdown of the marriage relationship to the extent that the
3 30 legitimate objects of matrimony have been destroyed and there
3 31 remains no reasonable likelihood that the marriage can be
3 32 preserved. The bill would require instead that a party
3 33 allege: the other party has committed adultery; the other
3 34 party has committed a felony and has been sentenced to
3 35 imprisonment; the other party has willfully abandoned the
4 1 matrimonial domicile for a period of at least one year and
4 2 refuses to return; the other party has physically or sexually
4 3 abused the other party or a child of the parties; the parties
4 4 have been living separate and apart continuously without
4 5 reconciliation for a period of two years; or the other party
4 6 is a chronic substance abuser.

4 7 The bill also provides that if one party is found to have
4 8 committed an act or acts which would support or justify a
4 9 decree of dissolution of marriage based upon the grounds
4 10 alleged in the petition, the act or acts of the one party
4 11 shall be considered in any order for disposition of property,
4 12 spousal support, or child support and medical support, and in
4 13 any award of custody, and also in any subsequent modification
4 14 of such order.

4 15 The bill also makes conforming changes to reflect the
4 16 changes in the bill requiring the proof of grounds for a
4 17 dissolution of marriage.

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